REMARKS

Claims 1-5 are pending and remain in the application. Claims 1-3 and 5 have been amended. No new matter has been entered.

Rejections under 35 U.S.C. § 112, first paragraph

5   Claims 1-5 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicant traverses the rejection and asserts that the enablement requirement has been satisfied.

"The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with

10   information known in the art without undue experimentation." MPEP 2164.01 (citing *U.S. v. Telectronics, Inc.*, 857 F.2d 778, 785 (Fed. Cir. 1988)). The examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. MPEP 2164.04. A specification disclosure, which contains a teaching of the manner and process of making and

15   using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. § 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support. *Id.* Explanation as to

20   reasons for doubting the truth or accuracy of any statement in a supporting disclosure, along with acceptable evidence or reasoning should be provided (emphasis added). *Id.*

In contrast, the Office Action of April 7, 2008 asserts that Applicant fails to provide the meaning of the terms "zone of influence," "event data," "trigger

25   condition," and "user navigational event." Office Action, page 2, paragraph 3-page 3, paragraph 1. The Office Action further states that each of the phrases were "copied from the specification and pasted in the claims without any description to enable one skilled in the art to make and use the invention." *Id.* Applicant respectfully disagrees. A sufficient description has been provided, as

30   explained *infra*. Moreover, during examination, words of the claim must be given

their plain meaning unless the plain meaning is inconsistent with the specification. MPEP 2111.01. Applicant asserts that the plain meaning of the terms are consistent with the specification, which are described separately below.

The phrase "zone of influence" includes the term "zone," which means an area or region distinguished from adjacent parts by a distinctive feature or characteristic. American Heritage Dictionary 939 (3d ed. 1994). Further, the term "influence" means a power indirectly or intangibly affecting a person or a course of events. American Heritage Dictionary 430 (3d ed. 1994). Together the terms "zone" and "influence" refer to a distinguished area in which a course of events is affected. This definition is supported by the specification on page 10, line 30-page 11, line 1; page 13, lines 2-4; page 13, lines 11-13; page 13, lines 20-22; page 13, lines 27-29; page 14, lines 5-6; page 14, lines 10-13; and page 14, line 30-page 15, line 3.

The phrase "event data" includes the term "event," which means an occurrence or incident. American Heritage Dictionary 293 (3d ed. 1994). In the application, the term "event" is combined with the term "data." The meaning of the combination of terms is "data regarding an event." The term "event" modifies the term "data" to describe a particular type of data. This definition is supported by the specification on page 9, lines 20-23; page 10, line 30-page 11, line 2; page 14, line 30-page 15, line 3; page 15, lines 4-5; and page 18, lines 15-19.

The phrase "trigger conditions" includes the term "trigger," which means an event that precipitates other events. American Heritage Dictionary 859 (3d ed. 1994). In the application, the term "trigger" is combined with the term "conditions" to describe a particular type of condition. Thus, a combination of the terms describes "conditions surrounding a trigger." Support for the combination of terms can be located in the specification on page 8, lines 15-16 and page 11, lines 3-7.

The phrase "user navigational event" includes the term "event," which is modified by the terms "user navigational" to identify a particular type of event. The root word "navigate" means to make one's way (through). American Heritage Dictionary 556 (3d ed. 1994). Thus, the phrase relates to an event in

which a user makes his way through. Support for the phrase can be found in the specification on page 11, lines 5-7; page 15, line 4-page 16, line 6; page 16, line 7-page 17, line 9; and page 17, lines 28-30.

Further, Claim 1 has been amended and now recites to locally trigger the user navigational event associated with the zone of influence based on the correlation. Support for the claim amendments can be located in the specification on page 9, lines 20-24; page 11, lines 2-7; and page 15, lines 4-11. No new matter has been entered.

Dependent Claim 2 recites one or more timed events comprising a start time and a duration. The term "duration" means a continuance in time or a period of existence or persistence. American Heritage Dictionary 264 (3d ed. 1994). Support for the term "duration" can be found in the specification on page 4, lines 5-7; page 8, lines 15-30; and page 22, lines 16-18. Claim 2 has been amended and now recites to locally trigger each user navigational event associated with the timed event. Support for the claim amendments can be found in the specification on page 4, lines 6-7; page 8, lines 17-30; page 15, lines 4-8; page 16, lines 1-3; and page 22, lines 16-18. No new matter has been added.

Dependent Claim 3 has been amended and now recites to locally trigger each user navigational event associated with the independent trigger conditions based on the trigger condition satisfaction. Support for the claim amendments can be found in the specification on page 9, lines 20-24; page 11, lines 2-3; page 15, lines 4-11; and page 25, lines 10-16. No new matter has been added.

Dependent Claim 4 recites at least one other zone of influence. Support for multiple zones of influence can be found in the specification on page 9, lines 20-24; page 10, line 30-page 11, line 2; page 15, lines 1-3; page 15, line 12-page 16, line 6; and page 16, line 7-page 17, line 9. One skilled in the art would understand that the other zone of influence refers back to the zones of influence recited in Claim 1, line 6. However, the other zone of influence is separate from each zone of influence as recited in Claim 4, line 2.

Therefore, since each term or phrase discussed above is supported by the specification, one skilled in the art would be able to make and use the claimed

invention without undue experimentation. Further, the Office Action of April 7, 2008 fails to provide reasoning or evidence of doubt for any statement made in the specification that supports the above-mentioned terms and phrases. Accordingly, a reasonable basis to question the enablement provided for the

5   claimed invention has not been shown. Thus, Claims 1-4 are enabled. Claim 5 is dependent on Claim 1 and is patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.

Further, Claims 2, 3, and 4 stand rejected under 35 U.S.C. § 112, first

10   paragraph, as failing to comply with the written description requirement. Applicant traverses the rejection and asserts that the written description requirement has been satisfied.

In the Office action of April 7, 2008, Claim 4 is discussed in detail with reference to the first rejection under 35 U.S.C. § 112, first paragraph, but not the

15   second rejection. Office Action, page 4, paragraphs 2-5. Consequently, for purposes of response, the second rejection under 35 U.S.C. § 112, first paragraph is assumed to apply to Claims 2 and 3 as specifically discussed *infra*.

Claim 2 has been amended and now recites to locally trigger each user navigational event associated with the timed event. Support for the claim

20   amendments can be found in the specification on page 4, lines 6-7; page 8, lines 17-30; page 15, lines 4-8; page 16, lines 1-3; and page 22, lines 16-18. In addition, Claim 3 has been amended and now recites to locally trigger each user nagivational event associated with the independent trigger conditions based on the trigger condition satisfaction. Support for the claim amendments can be found in

25   the specification on page 9, lines 20-24; page 11, lines 2-3; page 15, lines 4-11; and page 25, lines 10-16. No new matter has been added.

Accordingly, Claims 2 and 3 find support in the specification and comply with the written description requirement. Withdrawal of the rejection is requested.

30   **Rejections under 35 U.S.C. § 112, second paragraph**

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph as indefinite. Claim 2 has been amended and is now definite. Withdrawal of the rejection is requested.

Rejections under 35 U.S.C. § 102(e) over Sprogis

5   Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,320,495 to Sprogis. Applicant traverses. A claim is anticipated under 35 U.S.C. § 102(e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 1231.

10   Sprogis discloses a treasure hunt type game that utilizes global positioning satellite (GPS) equipped wireless communication devices (Abstract). Players are given clues or directions to proceed along a predetermined treasure hunt route based upon their location as determined by a GPS receiver (Abstract; Col. 2, lines 3-20 and 67-Col. 3, lines 4-18; Col. 5, lines 11-29). A gamemaster computer

15   program (gamemaster) is designed to run the treasure hunt from a central Website (Col. 3, lines 4-5, 19-26 and 51-55). The gamemaster inputs a general map of the treasure hunt territory, which is divided into a plurality of smaller segments, each assigned a unique number (Col. 4, lines 15-19). The players' GPS receivers receive locational data, which is transmitted back to the gamemaster by the

20   wireless communications device (Col. 3, lines 5-8). The gamemaster then determines the next clue to be given to a player based upon the player's location in relation to a particular segment, as well as other variables, such as the number of clues the player has correctly answered and the position of other players (Col. 2, lines 12-16; Col. 3, lines 9-15; and Col. 5, lines 8-25).

25   Claim 1 recites a storage medium configured to hold data in a cartridge script loadable into a wireless computing device. However, Sprogis fails to teach or suggest such limitation. Instead, Sprogis discloses a gamemaster for determining and providing clues to players. A wireless communication device transmits a player's location to the gamemaster (Col. 3, line 66-Col. 4, line 1).

30   Once received, the gamemaster dynamically determines clues based on the

location of the player, as well as other factors (Col. 4, lines 20-24). The clues are then transmitted to the wireless communication device for display to the player (Col. 3, lines 61-63; Col. 4, lines 9-13). Thus, Sprogis teaches a gamemaster for transmitting data to and receiving data from a wireless device, rather than a

5 cartridge script <u>loadable</u> into a wireless computing device.

Claim 1 further recites user event data configured to define one or more user navigational events into the cartridge script and to associate each user navigational event with at least one zone of influence. In contrast, Sprogis teaches providing clues to players upon entry into a new grid (Col. 5, lines 11-12).

10 The clue is determined based on the player's new location, a previous location, and current and previous locations of other players (Col. 5, lines 12-14). Therefore, Sprogis teaches dynamically determining clues upon player entry into a new grid, rather than defining user navigational events into a cartridge script, which is loadable onto a wireless device.

15 Further, Claim 1 recites a wireless computing device configured to execute a scenario by triggering the user navigational events stored on the cartridge script through movement of the wireless computing device. In contrast, Sprogis teaches collecting location data on a wireless communication device and transmitting the location data to a gamemaster. The gamemaster processes the

20 location data to determine whether a clue should be transmitted to the wireless communication device (Col. 5, lines 9-12). If so, the gamemaster determines the content of the clue based on multiple factors, including the location data (Col. 5, lines 12-23). Thus, the gamemaster processes the location data to generate a clue, rather than the wireless communication device. Therefore, Sprogis processing

25 location data on a gamemaster to determine player clues, rather than <u>triggering by</u> a wireless computing device, user navigational events stored on a cartridge script.

Accordingly, Sprogis fails to teach each and every limitation of Claim 1 and does not anticipate. Claims 2-5 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations

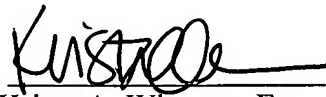30 therein. Withdrawal of the rejection is requested.

Claims 1-5 are believed to be in a condition for allowance. Entry of the claim amendments and further examination are requested. A Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

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Respectfully submitted,

Dated: July 7, 2008

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